

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 3-4, 15-16, 25-49, 52-53, and 63-64 were previously cancelled. New claims 72-79 are being added. Claims 1 and 50 are being amended. Thus, claims 1, 2, 5-14, 17-24, 50, 51, 54-62 and 65-71 are under consideration.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Response to Claim Rejections:

Claims 1, 2, 5, 7, 10-11, 13-14, 17, 19, 22-23, 50-51, 54-56, 59, 61-62, and 65-66, 67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard.

With regard to the rejection of claim 1, this rejection is respectfully traversed.

Claim 1 as amended defines a method in a television program production system comprising:

receiving script data and rundown data for a television program prior to broadcast of the television program;

processing the script data and the rundown data to define individual segments of the television program prior to broadcast of the program;

determining identifiers for each of the segments of the television program;

creating closed caption data for the television program from the script data, the closed caption data comprising text data corresponding to said script data, and timing data provided at locations corresponding to beginnings of each of the individual segments of the television

program, the timing data that corresponds to a segment comprising an identifier of the corresponding segment; and

transmitting the closed caption data including the timing data to receivers of the television program concurrently with broadcasting of the television program.

Claim 1 is distinguished from Van Thong and the EIA standard and the combination of them, at least for the following two reasons.

First, neither Van Thong nor the EIA standard teach or suggest receiving script data and rundown data for a television program prior to broadcast of the television program .

The application uses the term “rundown data” to describe data having a particular type of information content. See paragraph 62 and 63 of the application, and Figure 4 (shown below).

// PG	Talent	SLUG	TM	TN	Shot	Video	Total	Out cue	Back Time
125	TERROR	INTRO TERROR			2-shot	On Set	2:23	58:45 (+15)	0:02:26a
134	WORKING MOMS	WORKING MOMS			2-shot	On Set	0:25	58:45 (+15)	0:02:54a
355	SHUTTLE	SHUTTLE			2-shot	On Set	0:26	58:45 (+15)	0:03:33a
22	WEATHER	WEATHER			2-shot	On Set	2:43	58:45 (+15)	0:06:27n
161	HOMETOWN HERO	HOMETOWN HERO			2-shot	On Set	0:53	58:45 (+15)	0:07:21a
164	SURPLUS	SURPLUS			2-shot	On Set	0:17	58:45 (+15)	0:07:41a
160	CRAPES	CRAPES			2-shot	On Set	0:22	58:45 (+15)	0:08:06a
132	SC LIVE WAGE	SC LIVE WAGE			2-shot	On Set	0:23	58:45 (+15)	0:08:32a
135	LOTTO WINNERS	LOTTO WINNERS			2-shot	On Set	0:53	58:45 (+15)	0:09:26a

⋮

Figure 4

Furthermore, in the field of television and video production, the definition of a rundown is well known and is defined as a listing of the basic elements in a production in the order in which they will appear (see http://www.cybercollege.com/gloss/gloss_s.htm).

The rejection equates rundown data with the time-stamped audio signal (21) employed in Van Thong, citing col. 4, lines 50-52. Van Thong's time-stamped audio 21, however, is simply an audio data stream that has a time reference added to it so that time stamped words typed by the operator can be associated with locations in the audio signal. See Van Thong col. 3, lines 25-43; col. 4, lines 22-64. It is well established that a claim interpretation is not correct if it is unreasonable when considered in light of the use of that term in the specification. In the present case, a person of ordinary skill in the art could not reasonably consider the “rundown data” of the

claims to refer to Van Thong's audio timestamps in view of the illustration and examples provided in the application.

Therefore, in Van Thong, there are only script data and not any rundown data. Furthermore in Van Thong, as shown in Figure 1, the script data 25 which is in a transcribed format is created by an operator 53 from the analog audio input. Therefore in Van Thong script data is created and not received. Accordingly in Van Thong, neither script data nor rundown data is received.

Similarly in the EIA standard, there is no disclosure, teaching or suggestion about receiving of the rundown data and script data. The EIA standard instead merely deals with the standards for Closed Captioning in Digital Television. In fact, the examiner has cited this reference with respect to the last part of Claim 1 which deals with the creating of the closed captions. As such it is not applicable to the part of the claim that is being discussed here in regards to the receiving of the rundown and script data.

Second, neither Van Thong nor the EIA standard teach or suggest involving the type of segments that are defined here in this application. The term "segments" is defined in paragraph [0055] of the application as filed, as follows:

For purposes of this description, a program comprises one or more "program segments" that pertain to different subjects and therefore can stand on their own as complete or individual viewing experiences. Examples of programs that typically consist of a single programming segment are movies, sit-coms, and sporting events. Examples of programs that are typically comprised of multiple program segments are news broadcasts, news magazine shows that present multiple feature stories, sports highlight shows, music video shows, informational shows, home shopping shows, and variety shows.

Van Thong neither teaches nor suggests having such segments. Instead it merely involves isolating the portions of an audio signal that contain speech, and grouping individual words for display together as lines of closed caption text.

The rejection cites Van Thong as defining individual segments of a television program, referring to col. 4, lines 52-54. This argument misconstrues the use of the term "segments" in the present application and claims. The cited portion of Van Thong describes linking the individual words typed by an operator to the time stamped audio stream itself, as follows:

“Time Event Tracker Module 23

This module 23 automatically links operator text (transcription) input 25 with the time-stamped audio stream 21 output from speech rate control 19. This linking results in a rough alignment 27 between the transcript text and the original audio 13 or video recording.”

There is no relationship between this passage and the determination of segments of a television program from rundown data as recited by the present claims. It is noted that Van Thong does use the term segments throughout his disclosure, but not in the manner of the present application. At col. 3, lines 17-24 and at col. 3, line 56 – col. 4, line 15, Van Thong describes an “audio classifier module 15” that “segments or otherwise sorts the audio input 13 into working parts that contain spoken words.” Van Thong explains that the audio classifier module 15 as follows:

“Before playing the audio input 13 to the operator 53, the audio classifier 15 segments or otherwise sorts the audio input 13 into working parts that contain spoken words. The audio classifier 15 also identifies parts that contain other sounds of interest (like a barking dog, music inserts or a train passing by) for the purposes of non-speech closed captioning 71. Thus audio classifier 15 determines and separates the audio portions containing spoken words and the audio portions containing non-speech sounds needing transcribing. Closed captions for the latter are produced at 71 while closed captions for the spoken words/speech audio are produced by the rest of system 11. In summary, module 15 enables the operator 53 to concentrate only on the spoken word parts that need to be transcribed.” (Col. 3, line 57 – col. 4, line 3).

In other words, Van Thong identifies portions of the audio track that contain speech or other sounds to be transcribed. Although those portions are referred to as segments, the segments are not separate parts of a television program that stand on their own as individual viewing experiences.

Van Thong later refers to the operation of a “segmenter” at col. 5-6, as follows:

“The closed caption segmenter module 33 receives as input the stream 31 of aligned text and the original audio track 13, and finds appropriate break points (silence, breathing, etc.) to segment the text into desired closed captions. Thus the segmenter 33 effectively automates the restructuring and reformatting of the transcription text into sentences or phrases appropriate for captioning. The segmenter module 33 preferably uses three criteria to find these break points:

length of inter-word boundaries; changes in acoustic conditions and natural language constraints.” (Col. 5, lines 36-45).

In other words, the segmenter analyzes the audio text and decides how to group it into lines for display as closed caption text. This use of “segment” again differs from that of the present application.

In view of the definition of “segments” provided in the present application, a person of ordinary skill in the art could not reasonably conclude that Van Thong uses the term segments in the same manner as the present application and claims. Van Thong’s segments have nothing to do with the individual segments of a television program as are defined in the present application, and claimed in the new claims 72, 74, 76, and 78. As such, Von Thong, does not provide identifiers and timing for such segments as defined in the application.

In Van Thong instead, each segment is some portion of the program which is merely formed based on some kind of appropriate breaking point such as silence, laughing, or breathing as shown in. Col. 5, lines 36-42 of Von Thong).

Similarly in the EIA standard, there is no disclosure, teaching or suggestion about these type of segments. As described above, the EIA standard instead merely deals with the standards for Closed Captioning in Digital Television, and is not applicable to the part of the claim that is being discussed here in regards to the definition of the segments.

According to the standard tests set forth for obviousness, a claim may only be found obvious where, after accurately identifying the differences between the prior art of record and the claimed subject matter, those differences are shown to be such that the claimed subject matter would be still be obvious to a person of ordinary skill in the art. In the present case, there numerous significant differences between the prior art of record and the claimed subject matter, and it is not reasonable to assert that the claimed subject matter would have been obvious given the nature of those differences. The prior art of record consists of:

Van Thong: a system that plays an audio signal, aligns the timestamps of text typed by a transcriber with timestamps assigned to the audio itself, refines the alignment of the text to the

audio to provide more exact correspondence between audio words and their text, and then groups the words into lines of closed caption text to be displayed.

EIA Standard: a specification that merely deals with the standards for Closed Captioning in Digital Television technology.

The preceding sections showed that there are significant differences between the claimed subject matter and the prior art of record:

The prior art of record does not involve receiving rundown data. Rundown data provides information about events that occur during a television program or video. These events concern the subject matter content of the program or video itself. At most, the prior art of record involves timestamps applied to an audio signal that have no relationship to the subject matter content of the audio signal.

The prior art of record does not identify segments of a television program. As described in the application, segments of a television program pertain to different subjects and therefore can stand on their own as complete or individual viewing experiences. At most, the prior art of record involves isolating the portions of an audio signal that contain speech, and grouping individual words for display together as lines of closed caption text. Consequently, because of the differences in the definition of segments in the present application and in the prior art of record, the prior art of record does not provide 1) identifiers for individual segments of a television program, 2) timing data for individual segments of a television program into either closed caption data or a broadcast signal.

In view of these differences, there are simply no meaningful similarities between the claimed subject matter and the problems addressed by the prior art of record, the processing that the prior art of record performs, or the data that the prior art of record operates on. The rejection of claim 1 is respectfully traversed and should be withdrawn.

The rejection of claims 2,5,7, 10 and 11 is also respectfully traversed. These claims each are dependent on the claim 1, and as such they are patentable over Van Thong in view of the

EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 1.

The rejection of claim 13 is also respectfully traversed. This claim is a system claim similar to the method claim 1, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 1.

The rejection of claims 14, 17, 19, 22, and 23 is also respectfully traversed. These claims each are dependent on the claim 13, and as such they are patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 13.

With regard to the rejection of claim 50, this rejection is also respectfully traversed. With the exception of broadcasting the video signal, the features of claim 50 are similar to features discussed above with regards to claim 1, and therefore the above arguments regarding the distinctions for the receipt of the rundown data and the distinctions in the definition of segments apply to claim 50 as well. As explained above, Neither Van Thong nor the EIA standard disclose, teach or suggest receiving rundown data for a television program prior to broadcast of the television program. Furthermore, neither Van Thong nor the EIA standard disclose, teach or suggest the type of segments defined in the application.

The rejection of claims 51, 54, 55, 56, and 59 is respectfully traversed. These claims each are dependent on the claim 50, and as such they are patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 50.

The rejection of claim 61 is also respectfully traversed. This claim is a system claim similar to the method claim 50, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 50.

The rejection of claims 62, 65, 66, 67, and 70 is respectfully traversed. These claims each are dependent on the claim 61, and as such they are patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 61.

Accordingly, the rejection of Claims 1, 2, 5, 7, 10-11, 13-14, 17, 19, 22-23, 50-51, 54-56, 59, 61-62, and 65-66, 67 and 70 under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, is traversed.

Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Shriver (U.S. Patent No. 6,290,359).

The rejection of claim 6 is respectfully traversed. This claim is dependent on the claim 1, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 1. Furthermore, Shriver does not address the above mentioned distinctions between claim 1 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejection of claim 18 is respectfully traversed. This claim is a system claim similar to the method claim 6, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 6. Furthermore, Shriver does not address the above mentioned distinctions between claim 6 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

Accordingly, the rejection of Claims 6, 18 under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Shriver (U.S. Patent No. 6,290,359) is traversed.

Claims 8-9, 20-21, 57-58 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Grooters et al. (U.S. Patent No. 6,549,718).

The rejection of claims 8 and 9 is respectfully traversed. These claims each are dependent on the claim I, and as such they are patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 1. Furthermore, Grooters does not address the above mentioned distinctions between claim 1 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejection of claim 20 and 21 is respectfully traversed. These claim are system claims similar to the method claim 8 and 9, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claims 8 and 9. Furthermore, Grooters does not address the above mentioned distinctions between claims 8-9 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejection of claims 57 and 58 is respectfully traversed. These claims each are dependent on the claim 50, and as such they are patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 50. Furthermore, Grooters does not address the above mentioned distinctions between claim 50 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejection of claim 68 and 69 is respectfully traversed. These claim are system claims similar to the method claim 57 and 58, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claims 68 and 69. Furthermore, Grooters does not address the above mentioned distinctions between claims 68-69 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

Accordingly, the rejection of Claims 8-9, 20-21, 57-58 and 68-69 under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Grooters et al. (U.S. Patent No. 6,549,718) is traversed.

Claims 12, 24, 60 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Gammie et al. (U.S. Patent No. 5,381,481).

The rejection of claim 12 is respectfully traversed. This claim is dependent on the claim 1, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 1. Furthermore, Gammie does not address the above mentioned distinctions between claim 1 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejections of claim 24 is respectfully traversed. This claim is a system claim similar to the method claim 12, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 12. Furthermore, Gammie does not address the above mentioned distinctions between claim 12 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejection of claims 60 is respectfully traversed. This claim is dependent on the claim 50, and as such it is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and distinctions explained above with respect to claim 50. Furthermore, Gammie does not address the above mentioned distinctions between claim 50 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

The rejections of claim 71 is respectfully traversed. These claim are system claims similar to the method claim 60, and as such is patentable over Van Thong in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, at least for the same reasons and

distinctions explained above with respect to claims 60. Furthermore, Gammic does not address the above mentioned distinctions between claim 60 and the Van Thong and the EIA-708-B DTV Closed Captioning Standard references.

Accordingly, the rejection of Claims 12, 24, 60 and 71 under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard, in further view of Gammic et al. (U.S. Patent No. 5,381,481) is traversed.

Concluding Remarks:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

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